

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SHELDON G. ADELSON,

Plaintiff,

Civil Action No. 04-cv-10357-RCL

v.

MOSHE HANANEL,

Defendant.

ORDER ON MOTION TO COMPEL (Docket #47)

SOROKIN, M.J.

On January 19, 2005 the Court authorized the parties to “engage in reciprocal jurisdictional discovery until March 1, 2005.” Electronic Order. Subsequently, on February 23, 2005, the parties proposed and the Court entered a Stipulated Order governing discovery. Docket # 43. The Stipulated Order reiterated the March 1, 2005 deadline for the completion of discovery, spelled out a detailed schedule for the taking of discovery and required the responses to the discovery requests to be served on or before March 1, 2005.

At no time has either party moved to extend the March 1, 2005 deadline. On May 6, 2005, over two months after the close of discovery, the defendant sent a letter to plaintiff demanding further responses to discovery requests served during the discovery period. On May 9, 2005, counsel conducted a three minute telephone call in an unsuccessful effort to resolve the issues raised in the demand letter. On May 19, 2005, defendant filed a Motion to Compel further answers to interrogatories, document requests and deposition questions. Plainly, the Motion is untimely. Under Fed. R. Civ. P. 16(b), the Court’s scheduling order cannot be modified without leave of court; moreover, a scheduling order “shall not be modified except upon a showing of

good cause.” Neither in the Motion nor the supporting memorandum does the defendant seek leave for an enlargement of the discovery period, nor does the defendant request leave to late file the motion to compel or explain, in any way, why the motion to compel is untimely.

WHEREFORE, the Motion to Compel is denied.

/s/ Leo T. Sorokin
LEO T. SOROKIN
UNITED STATES MAGISTRATE JUDGE

Date: October 31, 2005.